

1982—Subsec. (f). Pub. L. 97-295, §2(13), substituted “chapter 51, subchapter III of chapter 53, and sections 5542-5546 of title 5” for “the civil service classification laws and titles II and III of the Federal Employees Pay Act of 1945 as amended”.

Subsec. (g). Pub. L. 97-295, §2(11), substituted “percent” for “per centum”.

1979—Subsec. (g). Pub. L. 96-23 substituted “\$15,000” for “\$7,500”.

1970—Subsec. (g). Pub. L. 91-278 substituted “\$7,500” for “\$5,100”.

1959—Subsec. (g). Pub. L. 86-309 substituted “\$5,100” for “\$3,750”.

1955—Subsec. (f). Act Aug. 9, 1955, §1, inserted “as amended”.

Subsec. (g). Act Aug. 9, 1955, §2, authorized head of department in which the Coast Guard is operating to regulate hours of duty and pay.

RETROACTIVE PAY

Pub. L. 96-23, §5(b), June 13, 1979, 93 Stat. 69, provided that: “The Coast Guard may issue retroactive pay to its remaining civilian lighthouse keepers in an amount equal to the difference between what the keeper actually received and what he would have received under the General Schedule salary rates had there not been a statutory limitation of \$7,500 on his annual salary. This amount is to be calculated from the time at which his salary reached the statutory limitation to the date of enactment of this Act [June 13, 1979].”

[§§ 433, 434. Repealed. Pub. L. 99-640, §10(a)(6)(A), Nov. 10, 1986, 100 Stat. 3549]

Section 433, acts Aug. 4, 1949, ch. 393, 63 Stat. 528; Sept. 27, 1949, ch. 586, 63 Stat. 698; Sept. 24, 1963, Pub. L. 88-130, §1(11), 77 Stat. 190; Oct. 12, 1982, Pub. L. 97-295, §2(11), (14), 96 Stat. 1302, related to personnel of former Bureau of Marine Inspection and Navigation and Bureau of Customs.

Section 434, added act Sept. 23, 1950, ch. 996, 64 Stat. 978; amended Oct. 12, 1982, Pub. L. 97-295, §2(14), 96 Stat. 1302, related to personnel appointed as constructors.

SAVINGS PROVISION

See note set out under section 431 of this title.

[§§ 435 to 437. Repealed. Pub. L. 88-130, §4(a), Sept. 24, 1963, 77 Stat. 192]

Section 435, added act Aug. 10, 1956, ch. 1041, §9(a), 70A Stat. 620, related to temporary appointments in time of war or national emergency. See section 214 of this title.

Section 436, added act Aug. 10, 1956, ch. 1041, §9(a), 70A Stat. 621, related to temporary promotions in time of war or national emergency. See section 275 of this title.

Section 437, acts Aug. 10, 1956, ch. 1041, §9(a), 70A Stat. 622; June 28, 1962, Pub. L. 87-509, §4(b), 76 Stat. 121, related to discharge during war or emergency of officers having less than 20 years of service for unsatisfactory performance of duty.

EXTENSION OF AUTHORITY

Act July 23, 1947, ch. 301, §16, 61 Stat. 413, as amended June 3, 1948, ch. 395, 62 Stat. 302; Aug. 10, 1956, ch. 1041, §27, 70A Stat. 631; Sept. 2, 1958, Pub. L. 85-861, §6, 72 Stat. 1555; Sept. 21, 1961, Pub. L. 87-257, 75 Stat. 538, provided that notwithstanding the limitations in sections 435 and 436 of this title, the authority of such sections could be exercised until the Secretary of the Treasury determined officers holding permanent appointments on the active list equalled 95% of the number authorized, exclusive of extra numbers, or Jan. 1, 1964, whichever occurred earlier. Pub. L. 87-257, Sept. 21, 1961, 75 Stat. 538, was repealed by section 4(b) of Pub. L. 88-130.

[§ 438. Repealed. Pub. L. 99-640, §10(a)(6)(A), Nov. 10, 1986, 100 Stat. 3549]

Section, added act Aug. 10, 1956, ch. 1041, §9(a), 70A Stat. 623; amended June 9, 1966, Pub. L. 89-444, §1(21), 80

Stat. 197; Dec. 12, 1980, Pub. L. 96-513, title V, §505(b), 94 Stat. 2918, related to laws not applicable to warrant officers of former Life Saving Service, Lighthouse Service, Bureau of Marine Inspection and Navigation, and Bureau of Customs.

SAVINGS PROVISION

See note set out under section 431 of this title.

[§§ 439, 440. Repealed. Pub. L. 88-130, §4(a), Sept. 24, 1963, 77 Stat. 192]

Section 439, added act July 20, 1956, ch. 647, §3(a), 70 Stat. 588, related to oath of office. See section 273(b) of this title.

Section 440, added Pub. L. 85-861, §33(b)(1), Sept. 2, 1958, 72 Stat. 1567, related to temporary promotion of warrant officers. See section 277 of this title.

CHAPTER 13—PAY, ALLOWANCES, AWARDS, AND OTHER RIGHTS AND BENEFITS

Sec.

- 461. Remission of indebtedness of enlisted members upon discharge.
- [462 to 466. Repealed.]
- 467. Computation of length of service.
- 468. Procurement of personnel.
- 469. Training.
- 470. Special instruction at universities.
- 471. Attendance at professional meetings.
- [471a. Repealed.]
- 472. Education loan repayment program.
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- 475. Leasing and hiring of quarters; rental of inadequate housing.
- 476. Contingent expenses.
- 477. Equipment to prevent accidents.
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- 493. Coast Guard medal.
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- 498. Posthumous awards.
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- 505. Medal of honor: presentation of Medal of Honor Flag.
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- 507. Disposition of effects of decedents.
- 508. Deserters; payment of expenses incident to apprehension and delivery; penalties.
- 509. Persons discharged as result of court-martial; allowances to.

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 510. Shore patrol duty; payment of expenses.
 511. Compensatory absence from duty for military personnel at isolated duty stations.
 512. Monetary allowance for transportation of household effects.
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 514. Reimbursement for adoption expenses.
 515. Child development services.
 516. Presentation of United States flag upon retirement.
 517. Travel card management.
 518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.

HISTORICAL AND REVISION NOTES

Chapter 13 of this title deals with pay, allowances, awards, and other rights and benefits for personnel of the Coast Guard. Some of these sections are new as applied to the Coast Guard, some clarify and consolidate existing law, and others merely restate existing law. There is no intention to amend, enlarge or curtail the Pay Readjustment Act of 1942, as amended. 81st Congress, House Report No. 557.

AMENDMENTS

2010—Pub. L. 111-281, title II, §§203(b), 224(d), Oct. 15, 2010, 124 Stat. 2910, 2922, added items 491a, 492a, 492b, and 518 and struck out former item 492a “Distinguished flying cross”.

2004—Pub. L. 108-293, title II, §§210(b), 218(b), Aug. 9, 2004, 118 Stat. 1036, 1039, added items 472 and 517.

2002—Pub. L. 107-295, title III, §312(b), Nov. 25, 2002, 116 Stat. 2102, added item 511 and struck out former item 511 “Compensatory absence of military personnel at isolated aids to navigation.”

Pub. L. 107-248, title VIII, §8143(c)(4)(B), Oct. 23, 2002, 116 Stat. 1571, added item 505.

2001—Pub. L. 107-107, div. A, title V, §553(d)(1)(B), Dec. 28, 2001, 115 Stat. 1117, added item 504.

1998—Pub. L. 105-261, div. A, title VI, §644(d)(2), Oct. 17, 1998, 112 Stat. 2049, added item 516.

1996—Pub. L. 104-324, title II, §201(b), Oct. 19, 1996, 110 Stat. 3907, added item 515.

1991—Pub. L. 102-190, div. A, title VI, §651(b)(2), Dec. 5, 1991, 105 Stat. 1387, added item 514.

1988—Pub. L. 100-448, §13(b), Sept. 28, 1988, 102 Stat. 1844, added item 513.

1984—Pub. L. 98-557, §§15(a)(4)(D)(ii), 25(a)(3), Oct. 30, 1984, 98 Stat. 2866, 2872, struck out item 462a and substituted “members” for “officers, enlisted men,” in item 487.

1982—Pub. L. 97-295, §2(15)(B), Oct. 12, 1982, 96 Stat. 1302, struck out item 473.

1980—Pub. L. 96-376, §7(b), Oct. 3, 1980, 94 Stat. 1510, added item 512.

1970—Pub. L. 91-278, §1(12), June 12, 1970, 84 Stat. 306, substituted “Leasing and hiring of quarters; rental of inadequate housing” for “Hiring of quarters for personnel” as item 475.

1968—Pub. L. 90-377, §7, July 5, 1968, 82 Stat. 288, substituted “Persons discharged as result of court-martial; allowances to” for “Prisoners; allowances to; transportation” in item 509.

1966—Pub. L. 89-718, §73(c)(2), Nov. 2, 1966, 80 Stat. 1124, struck out reference to pay and allowances and to pay of officers indebted to the United States and inserted reference to discharge in item 461.

Pub. L. 89-444, §1(26), June 9, 1966, 80 Stat. 197, struck out items 462, 464, 465, 466, 474, 504, 505, and 506.

1964—Pub. L. 88-558, §7(1), Aug. 31, 1964, 78 Stat. 768, struck out item 490 effective two years after Aug. 31, 1964. Pub. L. 88-558 was subsequently repealed by Pub. L. 97-258, §5(b), Sept. 13, 1982, 96 Stat. 1068.

1962—Pub. L. 87-651, title III, §308, Sept. 7, 1962, 76 Stat. 527, struck out item 471a.

Pub. L. 87-649, §7(c), Sept. 7, 1962, 76 Stat. 495, struck out “active duty pay and” before “retired pay” in item 462a.

Pub. L. 87-526, §1(2), (4), July 10, 1962, 76 Stat. 141, provided for remission of indebtedness of enlisted members in item 461 and struck out item 495 providing for additional pay for holders of medals.

1956—Act Aug. 10, 1956, ch. 1041, §§10(b), 11(b), 12(b), 14(b), 70A Stat. 624, added items 462a, 471a, 492a, and 510. Act Aug. 1, 1956, ch. 837, title V, §502(8)(B), 70 Stat. 886, struck out item 489 “Death gratuity”.

1955—Act Aug. 9, 1955, ch. 650, §3, 69 Stat. 577, added item 511.

1954—Act Sept. 3, 1954, ch. 1263, §33(a), 68 Stat. 1238, inserted “; pay of officers indebted to United States” in item 461.

1952—Act July 10, 1952, ch. 631, §1, 66 Stat. 539, substituted “payment of expenses incident to apprehension and delivery” for “arrest by civil authority” in item 508.

1950—Act Aug. 3, 1950, ch. 536, §25, 64 Stat. 407, struck out items 463 and 472.

Act May 5, 1950, ch. 169, §16(b), 64 Stat. 149, added items 508 and 509.

§ 461. Remission of indebtedness of enlisted members upon discharge

If he considers it in the best interest of the United States, the Secretary may have remitted or canceled any part of an enlisted member's indebtedness to the United States or any of its instrumentalities remaining unpaid before or at the time of, that member's honorable discharge.

(Aug. 4, 1949, ch. 393, 63 Stat. 530; Sept. 3, 1954, ch. 1263, §33(b), 68 Stat. 1238; Pub. L. 87-526, §1(1), July 10, 1962, 76 Stat. 141; Pub. L. 87-649, §14d(7), Sept. 7, 1962, as added Pub. L. 89-718, §73(a)(3), Nov. 2, 1966, 80 Stat. 1124; Pub. L. 89-718, §73(c)(1), Nov. 2, 1966, 80 Stat. 1124; Pub. L. 90-83, §2, Sept. 11, 1967, 81 Stat. 220; Pub. L. 94-546, §1(29), Oct. 18, 1976, 90 Stat. 2521.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§20a, 121 (May 18, 1920, ch. 190, §8, 41 Stat. 603; June 10, 1922, ch. 212, 42 Stat. 625; July 3, 1926, ch. 742, §10, 44 Stat. 817).

Said section 121 was omitted from the 1940 and 1946 editions of the U.S. Code, but it has been held that the assimilation provision thereof is inoperative only insofar as Congress has made specific legislative provision for the Coast Guard, and that benefits derived from legislation pertaining to the Navy previously conferred upon the Coast Guard, and not provided for in subsequent legislation, survive to the Coast Guard under the assimilation statute. (See 27 Comp. Dec. 234; 22 Comp. Gen. 723; decision of June 9, 1947, B-63472; decision of April 2, 1948, B-70438; and decision of September 2, 1948, B-77295.)

It seems desirable to retain this assimilation provision as to pay in order to cover any failure to provide specifically for the Coast Guard in military pay legislation.

This section assimilates the pay of military personnel of the Coast Guard to the pay of military personnel of the Navy. It seems that this is the most feasible method of insuring that the pay of military personnel of the Coast Guard will not vary from the pay of military personnel of the other armed forces. The assimilation is intended to include authorization for extra pay and allowances as provided for personnel of the Navy, for all types of special duty: for example, qualified divers on diving duty, military personnel assigned to submarine duty, military personnel assigned to aviation duty, officers assigned as aides to flag officers, and enlisted persons assigned to duty in the mess detail. Military pay acts are intended to include Coast Guard personnel specifically; this section would cover any failure to so provide for Coast Guard personnel in a pay act.

Changes were made in phraseology. 81st Congress, House Report No. 557.

AMENDMENTS

1976—Pub. L. 94-546 substituted “Secretary” for “Secretary of the Treasury”.

1967—Pub. L. 90-83 corrected section 73(a)(3) of Pub. L. 89-718 to change the designation of sections repealed under Pub. L. 87-649 from sections 471(a) and (b) of Title 14 to sections 461(a) and (b) of Title 14. See 1966 Amendment note below.

1966—Pub. L. 89-718, § 73(a)(3), amended section 14d of Pub. L. 87-649, which contained in cls. (1) to (6) list of sections of Title 14 repealed by Pub. L. 87-649, by inserting “(7) Section 471(a) and (b).” However, for purposes of codification, the repeal has been executed to former subsecs. (a) and (b) of this section, which provided respectively for the awarding of the same pay and allowances as prescribed for corresponding ranks, grades, or ratings for personnel of the Navy and for the withholding of pay of officers on account of indebtedness to the United States, since this appears to have been the intent of Congress.

Pub. L. 89-718, § 73(c)(1), struck out references to pay and allowances and pay of officers indebted to the United States from section catchline and struck out letter designation “(c)” from beginning of former subsec. (c), leaving text of former subsec. (c) as constituting entire text of section.

1962—Pub. L. 87-526, § 1(1)(A), amended section catchline to provide for remission of indebtedness of enlisted members.

Subsec. (c). Pub. L. 87-526, § 1(1)(B), added subsec. (c). 1954—Act Sept. 3, 1954 inserted “; pay of officers indebted to United States” in section catchline, designated existing provisions as subsec. (a), and added subsec. (b).

EFFECTIVE DATE OF 1967 AMENDMENT

Pub. L. 90-83, § 9(i), Sept. 11, 1967, 81 Stat. 222, provided that: “Section 2 of this Act [correcting section 73(a)(3) of Pub. L. 89-718] is effective as of November 2, 1966, for all purposes.”

[§ 462. Repealed. Pub. L. 87-649, § 14d(1), Sept. 7, 1962, 76 Stat. 502]

Section, acts Aug. 4, 1949, ch. 393, 63 Stat. 530; May 14, 1960, Pub. L. 86-474, § 1(19), 74 Stat. 146, related to pay and allowances of rear admirals. See section 202 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF REPEAL

Repeal effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

[§ 462a. Repealed. Pub. L. 97-417, § 2(11), Jan. 4, 1983, 96 Stat. 2086]

Section, added act Aug. 10, 1956, ch. 1041, § 10(a), 70A Stat. 623; amended Sept. 7, 1962, Pub. L. 87-649, § 7(b), 76 Stat. 495, related to retired pay after two years of active duty for retired rear admirals.

[§ 463. Repealed. Aug. 3, 1950, ch. 536, § 36, 64 Stat. 408]

Section, act Aug. 4, 1949, ch. 393, 63 Stat. 530, related to continuation of additional pay.

[§§ 464, 465. Repealed. Pub. L. 87-649, § 14d(2), (3), Sept. 7, 1962, 76 Stat. 502]

Section 464, act Aug. 4, 1949, ch. 393, 63 Stat. 531, related to allotments of pay. See section 703 of Title 37, Pay and Allowances of the Uniformed Services.

Section 465, act Aug. 4, 1949, ch. 393, 63 Stat. 531, related to advances to officers ordered to and from sea or shore duty beyond the seas. See section 1006 of Title 37.

EFFECTIVE DATE OF REPEAL

Repeal effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

[§ 466. Repealed. July 12, 1955, ch. 328, § 5(3), 69 Stat. 296]

Section, act Aug. 4, 1949, ch. 393, 63 Stat. 531, provided for settlement of accounts of deceased officers and men. See section 2771 of Title 10, Armed Forces, and section 714 of Title 32, National Guard.

§ 467. Computation of length of service

In computing length of service of officers and enlisted personnel for any purpose all creditable service in the Army, Navy, Marine Corps, Air Force, Coast Guard, Revenue Cutter Service, and Life Saving Service shall be included in addition to any other creditable service authorized by any other law.

(Aug. 4, 1949, ch. 393, 63 Stat. 531.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 2 (Jan. 28, 1915, ch. 20, § 3, 38 Stat. 801).

The Air Force is added in the enumeration of services.

That part referring to the operation of a station for part of a year is omitted.

Changes were made in phraseology. 81st Congress, House Report No. 557.

§ 468. Procurement of personnel

The Coast Guard may expend operating expense funds for recruiting activities, including but not limited to advertising and entertainment, in order to—

- (1) obtain recruits for the Service and cadet applicants; and
- (2) gain support of recruiting objectives from those who may assist in the recruiting effort.

(Aug. 4, 1949, ch. 393, 63 Stat. 531; Pub. L. 104-324, title II, § 206(b), Oct. 19, 1996, 110 Stat. 3908.)

HISTORICAL AND REVISION NOTES

Based on the following language contained in the Coast Guard appropriation act for 1949, “Pay and Allowances” and preceding years: “expenses of recruiting for the Coast Guard; advertising for and obtaining enlisted personnel and applicants for appointment as cadets;” (June 19, 1948, ch. 558, 62 Stat. 562).

Changes were made in phraseology. 81st Congress, House Report No. 557.

AMENDMENTS

1996—Pub. L. 104-324 amended text generally. Prior to amendment, text read as follows: “The Coast Guard may make expenditures as necessary in order to obtain recruits for the service and cadet applicants, including advertising.”

§ 469. Training

The Coast Guard may make expenditures for the training of personnel, including books, school supplies, correspondence courses, motion picture equipment, and other equipment for instructional purposes.

(Aug. 4, 1949, ch. 393, 63 Stat. 531.)

HISTORICAL AND REVISION NOTES

Based on the following language contained in the Coast Guard appropriation act for 1949, “Pay and Al-

lowances" and preceding years: "motion picture and other equipment for instructional purposes; . . . training of enlisted personnel, including textbooks, school supplies, and correspondence courses;" (June 19, 1948, 62 Stat. 562).

Changes were made in phraseology. 81st Congress, House Report No. 557.

§ 470. Special instruction at universities

Coast Guard personnel may be assigned for special instruction at private or state colleges or universities, and their expenses, including tuition, books, laboratory equipment and fees, and school supplies, may be defrayed by the Coast Guard.

(Aug. 4, 1949, ch. 393, 63 Stat. 531.)

HISTORICAL AND REVISION NOTES

Based on the following language contained in the Coast Guard appropriation act for 1949, "Pay and Allowances" and preceding years: "Not to exceed \$32,200 for cost of instruction of officers at non-Federal institutions, including books, laboratory equipment and fees, school supplies, and maintenance of students;" (June 19, 1948, ch. 558, 62 Stat. 562).

The monetary limitation is removed.

Changes were made in phraseology. 81st Congress, House Report No. 557.

§ 471. Attendance at professional meetings

Coast Guard personnel may be directed to attend meetings of technical, professional, scientific, and other similar organizations and may be reimbursed for expenses thereby incurred at the rates authorized by law.

(Aug. 4, 1949, ch. 393, 63 Stat. 532.)

HISTORICAL AND REVISION NOTES

It is believed that the authority contained in this section will greatly benefit the Government in providing better trained personnel. A similar provision was enacted for personnel of the Navy in 1946 (see title 5, U.S.C., 1946 ed., § 421c). 81st Congress, House Report No. 557.

[§ 471a. Repealed. Pub. L. 87-651, title III, § 307B, Sept. 7, 1962, 76 Stat. 526]

Section, added act Aug. 10, 1956, ch. 1041, § 11(a), 70A Stat. 624, authorized transportation of motor vehicles on permanent change of station.

§ 472. Education loan repayment program

(a)(1) Subject to the provisions of this section, the Secretary may repay—

(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or

(C) any loan made under part E of such title (20 U.S.C. 1087aa et seq.).

Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

(2) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed on active duty as an enlisted member of the Coast Guard in a specialty specified by the Secretary.

(b) The portion or amount of a loan that may be repaid under subsection (a) is 33⅓ percent or

\$1,500, whichever is greater, for each year of service.

(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of such loan shall accrue and be paid in the same manner as is otherwise required.

(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

(e) The Secretary shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out this section during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a).

(Added Pub. L. 108-293, title II, § 218(a), Aug. 9, 2004, 118 Stat. 1038.)

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (a)(1), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. Parts B, D, and E of title IV of the Act are classified to parts B (§ 1071 et seq.), C (§ 1087a et seq.), and D (§ 1087aa et seq.), respectively, of subchapter IV of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

PRIOR PROVISIONS

A prior section 472, act Aug. 4, 1949, ch. 393, 63 Stat. 532, related to travel allowance to enlisted men on discharge, prior to repeal by act Aug. 3, 1950, ch. 536, § 36, 64 Stat. 408. See section 474 of Title 37, Pay and Allowances of the Uniformed Services.

[§ 473. Repealed. Pub. L. 97-295, § 2(15)(A), Oct. 12, 1982, 96 Stat. 1302]

Section, act Aug. 4, 1949, ch. 393, 63 Stat. 532, authorized Secretary to discharge underage Coast Guard enlisted personnel with appropriate pay and allowances, such persons to be given subsistence and transportation in kind to their homes.

Opinion of the Comptroller General, No. B-91297, Dec. 23, 1949, in holding that act Sept. 24, 1945, ch. 385, 59 Stat. 536, from which this section was derived, was superseded by section 303 of the Career Compensation Act of 1949, act Oct. 12, 1949, ch. 681, title III, 63 Stat. 813, stated that this section was also inconsistent with said section 303 and therefore repealed. See section 423 of Title 37, Pay and Allowances of the Uniformed Services.

[§ 474. Repealed. Sept. 1, 1954, ch. 1211, § 5, 68 Stat. 1130]

Section, act Aug. 4, 1949, ch. 393, 63 Stat. 532, related to compensation for travel tolls and fares. See section 478 of Title 37, Pay and Allowances of the Uniformed Services.

§ 475. Leasing and hiring of quarters; rental of inadequate housing

(a) The Secretary is authorized to lease housing facilities at or near Coast Guard installations, wherever located, for assignment as public quarters to military personnel and their dependents, if any, without rental charge upon a determination by the Secretary, or his designee, that there is a lack of adequate housing facilities at or near such Coast Guard installations. The Secretary is also authorized to lease housing facilities for assignment as public quarters, without rental charge, to military personnel who are on sea duty or duty at remote offshore Coast Guard stations and who do not have de-

pendents. Such authority shall be effective in any fiscal year only to such extent or in such amounts as are provided in appropriation Acts. When any such lease involves housing facilities in a foreign country, the lease may be made on a multiyear basis for a period not to exceed five years, and, in accordance with local custom and practice, advance payment may be made for the lease. Such public housing facilities may be leased on an individual or multiple-unit basis. Expenditures for the rental of such housing facilities may not exceed the average authorized for the Department of Defense in any year except where the Secretary finds that the average is so low as to prevent rental of necessary housing facilities in some areas, in which event he is authorized to reallocate existing funds to high-cost areas so that rental expenditures in such areas exceed the average authorized for the Department of Defense.

(b) The Secretary is authorized, subject to regulations approved by the President—

(1) to designate as rental housing such housing as he may determine to be inadequate as public quarters; and

(2) to lease inadequate housing to members of the Coast Guard for occupancy by them and their dependents.

(c) Where sufficient quarters are not possessed by the United States, the Commandant may hire quarters for personnel, including personnel on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable. Such accommodations shall not be available for occupancy by the dependents of such personnel.

(Aug. 4, 1949, ch. 393, 63 Stat. 532; Pub. L. 91-278, §1(11), June 12, 1970, 84 Stat. 305; Pub. L. 92-343, §4, July 10, 1972, 86 Stat. 450; Pub. L. 93-65, §5, July 9, 1973, 87 Stat. 151; Pub. L. 94-406, §4, Sept. 10, 1976, 90 Stat. 1236; Pub. L. 94-478, Oct. 11, 1976, 90 Stat. 2077; Pub. L. 94-546, §1(30), Oct. 18, 1976, 90 Stat. 2521; Pub. L. 96-376, §4, Oct. 3, 1980, 94 Stat. 1509; Pub. L. 96-470, title I, §112(d), Oct. 19, 1980, 94 Stat. 2240; Pub. L. 97-136, §7, Dec. 29, 1981, 95 Stat. 1706; Pub. L. 97-295, §2(11), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 97-322, title I, §106, Oct. 15, 1982, 96 Stat. 1582; Pub. L. 100-180, div. A, title VI, §632(b)(2), Dec. 4, 1987, 101 Stat. 1105.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §133a (June 19, 1942, ch. 419, §2, 56 Stat. 372) and on the following language contained in the Coast Guard appropriation act for 1949, "Pay and Allowances" and preceding years: "hire of quarters for Coast Guard personnel comparable to quarters assignable on a capital ship of the Navy, as authorized by the Secretary to meet emergency conditions, including officers and men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable: *Provided*, That under this authorization no funds may be expended for the hire of quarters for occupancy by the dependents of officers or enlisted personnel" (June 19, 1948, ch. 558, 62 Stat. 562).

Changes were made in phraseology. 81st Congress, House Report No. 557.

AMENDMENTS

1987—Subsecs. (b) to (d). Pub. L. 100-180 redesignated subsecs. (c) and (d) as (b) and (c), respectively, and

struck out former subsec. (b) which read as follows: "Notwithstanding the provisions of any other law, members of the Coast Guard, with dependents, may occupy on a rental basis, without loss of basic allowance for quarters, inadequate quarters under the jurisdiction of the Coast Guard notwithstanding that such quarters may have been constructed or converted for assignment as public quarters. The net difference between the basic allowance for quarters and the fair rental value of such quarters shall be paid from otherwise available appropriations; however, no rental charge for such quarters shall be made against the basic allowance for quarters of a member of the Coast Guard in excess of 75 percent of such allowance except that in no event shall the net rental value charged to the member's basic allowance for quarters be less than the cost of maintaining and operating the housing."

1982—Subsec. (b). Pub. L. 97-295 substituted "percent" for "per centum".

Subsecs. (e), (f). Pub. L. 97-322 repealed subsec. (e) which required that the Secretary, annually and not later than April 1, file with the Speaker of the House and the President of the Senate a report of the utilization of subsecs. (a), (b), and (d) authority during the preceding calendar year, and subsec. (f) which prohibited utilization of subsecs. (a), (b), (c), or (d) authority after Apr. 1, 1973, unless all required subsec. (e) reports were filed with the Congress.

1981—Subsec. (a). Pub. L. 97-136 inserted provisions authorizing the Secretary to lease housing facilities for assignment as public quarters, without rental charge, to military personnel who are on sea duty or duty at remote offshore Coast Guard stations and who do not have dependents, and further provided that such authority shall be effective in any fiscal year only to such extent or in such amounts as are provided in appropriation acts.

1980—Subsec. (a). Pub. L. 96-376 substituted "multi-year basis" for "multi-year basis," and authorized advance payment for any housing facilities lease in accordance with local custom and practice.

Subsec. (e). Pub. L. 96-470 struck out reference to subsec. (c).

1976—Subsec. (a). Pub. L. 94-546, §1(30)(a), substituted "Secretary" for "Secretary of the Department in which the Coast Guard is operating" wherever appearing.

Pub. L. 94-478 inserted provision allowing leases for housing facilities in foreign countries to be made on a multi-year basis.

Subsec. (e). Pub. L. 94-546, §1(30)(b), which was executed to subsec. (e) as the probable intent of Congress, substituted "Secretary" for "Secretary of the Department in which the Coast Guard is operating" and struck out "commencing April 1, 1973," after "not later than April 1,".

Pub. L. 94-406, §4(1), redesignated subsec. (f) as (e). Former subsec. (e), which provided that the authority conferred by subsecs. (b) and (c) of this section expire on June 30, 1976, was struck out.

Subsecs. (f), (g). Pub. L. 94-406, §4(1), (2), redesignated subsec. (g) as (f) and substituted "(e)" for "(f)". Former subsec. (f) redesignated (e).

1973—Subsec. (e). Pub. L. 93-65 extended termination date of authority provided in subsecs. (b) and (c) from June 30, 1973, to June 30, 1976.

1972—Subsec. (a). Pub. L. 92-343, §4(1), substituted "The Secretary of the Department in which the Coast Guard is operating" for "The Secretary" in first sentence.

Subsec. (e). Pub. L. 92-343, §4(2), struck out reference to subsec. (a) and extended authority provided in subsecs. (b) and (c) to June 30, 1973.

Subsecs. (f), (g). Pub. L. 92-343, §4(3), added subsecs. (f) and (g).

1970—Pub. L. 91-278 substituted "Leasing and hiring of quarters; rental of inadequate housing" for "Hiring of quarters for personnel" in section catchline, designated existing provisions as subsec. (d), and added subsecs. (a) to (c) and (e).

EX. ORD. NO. 11645. AUTHORITY OF SECRETARY OF HOMELAND SECURITY TO PRESCRIBE CERTAIN REGULATIONS RELATING TO HOUSING

Ex. Ord. No. 11645, Feb. 8, 1972, 37 F.R. 2923, as amended by Ex. Ord. No. 13286, § 59, Feb. 28, 2003, 68 F.R. 10629, provided:

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Homeland Security is designated and empowered to prescribe (or, under a delegation of the Secretary's authority, the Commandant of the Coast Guard is authorized to prescribe) regulations pursuant to section 475(c) of title 14 of the United States Code, relating to the designation and leasing of rental housing, without the approval, ratification, or other action by the President.

SEC. 2. Whenever the entire Coast Guard operates as a service in the Navy, the reference to the Secretary of Homeland Security in section 1 of this order shall be deemed to be a reference to the Secretary of the Navy.

§ 476. Contingent expenses

The Commandant may expend for contingencies of the Coast Guard a sum not to exceed \$50,000 in any one fiscal year.

(Aug. 4, 1949, ch. 393, 63 Stat. 532; Pub. L. 108-293, title II, § 219, Aug. 9, 2004, 118 Stat. 1039.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 15k (Apr. 20, 1939, ch. 75, 53 Stat. 582).

The limitation on the amount for such contingencies is increased, and the amount is made available to the Commandant rather than solely to the Superintendent of the Academy as now prescribed by law. The authorization is to cover expenditures incident to the offices of the Commandant and the Superintendent of the Academy. The intent is that the amount authorized will be administered in a manner similar to that now employed by the Superintendent of the Academy under the authority of 14 U.S.C., § 15k. 81st Congress, House Report No. 557.

AMENDMENTS

2004—Pub. L. 108-293 substituted “\$50,000” for “\$7,500” and struck out at end “The Commandant may authorize the Superintendent of the Academy to expend not to exceed \$2,500 of this amount for contingencies of the Academy.”

§ 477. Equipment to prevent accidents

The Coast Guard may make such expenditures as are deemed appropriate for promotion and maintenance of the safety and occupational health of, and the prevention of accidents affecting, personnel of the Coast Guard, including the purchase of clothing, equipment, and other materials necessary thereto.

(Aug. 4, 1949, ch. 393, 63 Stat. 532.)

HISTORICAL AND REVISION NOTES

Derived from title 5, U.S.C., 1946, ed., § 118g (Aug. 2, 1946, ch. 744, § 13, 60 Stat. 809).

Because of the wide variety of tasks assigned to Coast Guard personnel it is deemed advisable to broaden this authority to the more general language as rewritten, insofar as Coast Guard personnel are concerned, thus giving complete authority to protect their health.

Said section would in no way be affected.

Inasmuch as the act cited above applies to executive departments generally, it is not scheduled for repeal by this act. 81st Congress, House Report No. 557.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities

and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

HYPOTHERMIA PROTECTIVE CLOTHING REQUIREMENT

Pub. L. 107-295, title IV, § 410, Nov. 25, 2002, 116 Stat. 2118, provided that: “The Commandant of the Coast Guard shall ensure that all Coast Guard personnel are equipped with adequate safety equipment, including hypothermia protective clothing where appropriate, while performing search and rescue missions.”

§ 478. Rations or commutation therefor in money

(a) Enlisted members of the Coast Guard, civilian officers and civilian crews of vessels, and working parties in the field shall be allowed a ration or commutation thereof in money, in such amount and under limitations and regulations prescribed by the Secretary.

(b) Money for commuted rations shall be paid, under such regulations as the Secretary shall prescribe, on proper vouchers, or pay rolls, to persons entitled to receive it, or to the officers designated by the Commandant to administer the financial affairs of the messes in which such persons may be subsisted.

(c) Money paid for commuted rations to the designated officer may be deposited in general or limited depositories of public money or in any bank in which deposits are insured. Such funds shall be expended and accounted for under such regulations as the Secretary shall prescribe.

(d) Nothing contained in this section shall be construed as modifying or changing in any manner the provisions of law pertaining to subsistence allowances for enlisted members, but no ration or commutation thereof shall be allowed a person receiving a subsistence allowance.

(Aug. 4, 1949, ch. 393, 63 Stat. 532; Pub. L. 98-557, § 15(a)(3)(B), (C), Oct. 30, 1984, 98 Stat. 2865.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§ 134, 135 (Mar. 25, 1940, ch. 71, title I, 54 Stat. 64; June 6, 1940, ch. 257, § 10, 54 Stat. 248; May 31, 1941, ch. 156, title I, § 1, 55 Stat. 221; Feb. 7, 1942, ch. 46, title I, 56 Stat. 71; June 26, 1943, ch. 147, § 1, 57 Stat. 211; June 22, 1944, ch. 269, § 1, 58 Stat. 316; May 29, 1945, ch. 130, § 1, 59 Stat. 216; July 12, 1946, ch. 569, § 1, 60 Stat. 531; Aug. 2, 1946, ch. 756, § 31, 60 Stat. 857; July 1, 1947, ch. 186, title I, § 101, 61 Stat. 226).

The provisions of said section 134 are extended to include all persons who might be entitled to receive money for commuted rations, rather than only the officer in charge of the mess.

The last proviso of said section 135 is eliminated, because experience during the past 2 years shows that it may react detrimentally on enlisted men in time of rising food costs.

Changes were made in phraseology. 81st Congress, House Report No. 557.

AMENDMENTS

1984—Subsecs. (a), (d). Pub. L. 98-557 substituted reference to enlisted members for reference to enlisted men.

§ 479. Sales of ration supplies to messes

Ration supplies may be purchased by the cabin, wardroom, warrant officers', and other

authorized messes and payment therefor made in cash to the commissary officer. The prices to be charged for such supplies shall not be less than the invoice prices, and the cash received from such sales shall be accounted for on the ration return and may be expended for the general mess.

(Aug. 4, 1949, ch. 393, 63 Stat. 533.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §132 (Aug. 1, 1914, ch. 223, §1, 38 Stat. 620). 81st Congress, House Report No. 557.

§ 480. Flight rations

There may be furnished to officers, enlisted members, and civilian employees, while actually engaged in flight operations, an aircraft flight ration in kind, chargeable to the proper Coast Guard appropriation, which flight ration shall be supplementary to any ration or subsistence allowance now granted to such personnel. No part of an aircraft flight ration shall be furnished without cost to any person in a travel status or to any person to whom a per diem allowance is granted in lieu of actual subsistence.

(Aug. 4, 1949, ch. 393, 63 Stat. 533; Pub. L. 98-557, §15(a)(3)(B), Oct. 30, 1984, 98 Stat. 2865.)

HISTORICAL AND REVISION NOTES

Derived from the title 34, U.S.C., 1946 ed., §909 (June 5, 1942, ch. 327, 56 Stat. 308).

Said section is applicable to Navy personnel only. Experience has shown that similar authority should be granted to the Coast Guard; it will operate to the benefit of Navy personnel stopping over at Coast Guard air stations as well as to the benefit of Coast Guard personnel stopping over at Naval air stations.

The language of said section is closely paralleled.

Said section would in no way be affected. 81st Congress, House Report No. 557.

AMENDMENTS

1984—Pub. L. 98-557 substituted reference to enlisted members for reference to enlisted men.

§ 481. Payments at time of discharge for good of service

Enlisted members discharged by dishonorable discharge, bad-conduct discharge, or any other discharge for the good of the service, may, upon discharge, be paid a sum not to exceed \$25. The sum paid shall be fixed by and in the discretion of the Commandant, and shall be paid only in cases where the person so discharged would otherwise be without funds to meet his immediate needs.

(Aug. 4, 1949, ch. 393, 63 Stat. 533; Pub. L. 98-557, §15(a)(3)(C), Oct. 30, 1984, 98 Stat. 2865.)

HISTORICAL AND REVISION NOTES

Derived from title 34, U.S.C., 1946 ed., §197, and title 14, U.S.C., 1946 ed., §3a (Mar. 4, 1925, ch. 536, §10, 43 Stat. 1274; Oct. 26, 1942, ch. 623, 56 Stat. 987).

Said section 197 was made applicable to the Coast Guard by title 14, U.S.C., 1946 ed., §3a whenever the Coast Guard is operating with the Navy. Experience has shown the advantage of having such a provision applicable to the Coast Guard at all times.

Said section would in no way be affected. 81st Congress, House Report No. 557.

AMENDMENTS

1984—Pub. L. 98-557 substituted “Enlisted members” for “Enlisted men”.

§ 482. Clothing at time of discharge for good of service

Enlisted members discharged for bad conduct, undesirability, unsuitability, or inaptitude may be furnished civilian clothing, including an overcoat when necessary, the cost of such furnished clothing not to exceed \$30, per person.

(Aug. 4, 1949, ch. 393, 63 Stat. 533; Pub. L. 98-557, §15(a)(3)(C), Oct. 30, 1984, 98 Stat. 2865.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §148 (Dec. 23, 1943, ch. 380, title I, 57 Stat. 628).

Inasmuch as the act cited above applies equally to the Navy and Marine Corps as well as the Coast Guard, it is not scheduled for repeal but is being amended by section 18 of this act to eliminate reference to the Coast Guard.

Changes in phraseology were made in order to adapt said section to this revision. 81st Congress, House Report No. 557.

AMENDMENTS

1984—Pub. L. 98-557 substituted “Enlisted members” for “Enlisted men”.

§ 483. Right to wear uniform

When authorized by and in accordance with applicable regulations:

(a) any member who has served honorably in the Coast Guard during war shall when not in active service, whether or not on the retired list, be entitled to bear the official title and upon occasions of ceremony to wear the uniform of the highest rank or rating held by him during his war service, and

(b) any member on the retired list shall be entitled to wear the uniform of his rank or rating.

(Aug. 4, 1949, ch. 393, 63 Stat. 533; Pub. L. 98-557, §15(a)(3)(H), Oct. 30, 1984, 98 Stat. 2865.)

HISTORICAL AND REVISION NOTES

Subsection (a) is based on title 14, U.S.C., 1946 ed., §167b-2 (June 21, 1930, ch. 563, §2, 46 Stat. 793).

Inasmuch as the act cited above applies equally to the Navy and Marine Corps as well as the Coast Guard, it is not scheduled for repeal but is being amended by section 12 of this act to eliminate reference to the Coast Guard.

Subsection (b) is new to the Coast Guard, although it has been the practice for retired officers to wear the uniform when they so desire. Such authority is granted to retired officers of the Navy (see title 34, U.S.C., 1946 ed., §389).

Changes were made in phraseology. 81st Congress, House Report No. 557.

AMENDMENTS

1984—Subsecs. (a), (b). Pub. L. 98-557 substituted reference to member for reference to commissioned officer, warrant officer, and enlisted man.

WEARING OF UNIFORM AUTHORIZED BY PRESIDENT

Act June 21, 1930, ch. 563, §2, 46 Stat. 793, upon which subsec. (a) of this section was based, was amended by act July 6, 1953, ch. 180, §2, 67 Stat. 140, to substitute “Authorized by regulations of the President” for “of ceremony”.

§ 484. Protection of uniform

The provisions of law relating to the protection of the uniform of the United States Army,

Navy, or Marine Corps shall apply to the protection of the uniform of the Coast Guard, in the same manner, to the same extent, and under the same conditions.

(Aug. 4, 1949, ch. 393, 63 Stat. 533.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., § 39 (Aug. 29, 1916, ch. 418, § 1, 39 Stat. 649).

The assimilation is made in general terms, rather than by reference to the applicable section in title 10, U.S.C., 1946 ed. 81st Congress, House Report No. 557.

§ 485. Clothing for officers and enlisted personnel

(a) The Coast Guard may purchase uniforms, accouterments, and related equipment for sale to officer personnel and cadets of the Coast Guard.

(b) The Coast Guard may purchase uniform clothing for sale to enlisted personnel of the Coast Guard. The actual cost of the clothing thus sold to enlisted personnel may be withheld from their pay.

(Aug. 4, 1949, ch. 393, 63 Stat. 534; Aug. 3, 1950, ch. 536, § 33, 64 Stat. 408; Pub. L. 87-649, § 14d(4), Sept. 7, 1962, 76 Stat. 502.)

HISTORICAL AND REVISION NOTES

Subsection (a) is based on title 14, U.S.C., 1946 ed., § 30 (Jan. 12, 1919, ch. 8, 40 Stat. 1054). Said section was changed to have application to the Coast Guard at all times, rather than when the Coast Guard is operating with the Navy.

Inasmuch as the act cited above applies equally to the Navy and Marine Corps as well as the Coast Guard, it is not scheduled for repeal but is being amended by section 9 of this act to eliminate reference to the Coast Guard.

Subsection (b) is based on title 14, U.S.C., 1946 ed., § 13, and on title 33, U.S.C., 1946 ed., § 754 (July 1, 1898, ch. 346, § 1, 30 Stat. 604; July 27, 1912, ch. 255, § 2, 37 Stat. 239). Said section 13 was changed to have application to all enlisted personnel rather than to "crews of vessels in service" only. The provision of said section 754 which provided for the sale of clothing to civilian employees is eliminated as becoming obsolete.

Subsection (c) is new. Title 37, U.S.C., 1946 ed., § 110 authorizes the payment of a cash allowance in case clothing is not furnished to enlisted persons of the Coast Guard. Clearly this presumes the authority to issue clothing to enlisted persons; this section makes the authority statutory. 81st Congress, House Report No. 557.

AMENDMENTS

1962—Subsec. (c). Pub. L. 87-649 repealed subsec. (c) which permitted the Coast Guard to purchase uniform clothing for distribution to enlisted personnel or to pay such enlisted personnel a cash clothing allowance.

1950—Subsec. (c). Act Aug. 3, 1950, struck out "to" after "or".

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-649 effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

§ 486. Clothing for destitute shipwrecked persons

The Coast Guard may furnish clothing and subsistence to destitute shipwrecked persons, and the Coast Guard may reimburse, in cash or in kind, Coast Guard personnel who furnish clothing and subsistence to destitute shipwrecked persons.

(Aug. 4, 1949, ch. 393, 63 Stat. 534.)

HISTORICAL AND REVISION NOTES

Based on title 33, U.S.C., 1946 ed., § 749 (July 27, 1912, ch. 255, § 2, 37 Stat. 239; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736).

This section was enlarged to provide that the Coast Guard, as well as personnel thereof, may furnish clothing and subsistence to destitute shipwrecked persons.

Changes were made in phraseology. 81st Congress, House Report No. 557.

§ 487. Procurement and sale of stores to members and civilian employees

Such stores as the Secretary may designate may be procured and sold to members of the Coast Guard, and to the surviving spouses of such members. Such designated stores may also be procured and sold to civilian officers and employees of the United States, and to such other persons as may be specifically authorized by the Secretary, at Coast Guard stations and other units beyond the continental limits of the United States or in Alaska.

(Aug. 4, 1949, ch. 393, 63 Stat. 534; Pub. L. 98-557, § 15(a)(2), (3)(D), (4)(D)(i), Oct. 30, 1984, 98 Stat. 2865, 2866.)

HISTORICAL AND REVISION NOTES

Derived from title 34, U.S.C., 1946 ed., § 533 (Mar. 3, 1909, ch. 255, 35 Stat. 768; Apr. 14, 1937, ch. 78, 50 Stat. 63; June 10, 1939, ch. 196, 53 Stat. 814; Jan. 23, 1942, ch. 15, 56 Stat. 13; Apr. 9, 1943, ch. 39, 57 Stat. 60).

Said section granted authority for the Secretary of the Navy to sell designated stores to officers and enlisted men. It is deemed desirable to grant similar authority to the Secretary having control of the Coast Guard.

Said section would in no way be affected. 81st Congress, House Report No. 557.

AMENDMENTS

1984—Pub. L. 98-557 in section catchline substituted "members" for "officers, enlisted men," and in text substituted "surviving spouses" for "widows" and "members" for "officers and enlisted men" in two places.

§ 488. Advancement of public funds to personnel

The Commandant, under regulations prescribed by the Secretary, may advance public funds to personnel when required to meet expenses of members detailed on emergency shore duty. Funds so advanced shall not exceed a reasonable estimate of the actual expenditures to be made and for which reimbursement is authorized by law.

(Aug. 4, 1949, ch. 393, 63 Stat. 534; Pub. L. 98-557, § 15(a)(3)(I), Oct. 30, 1984, 98 Stat. 2865.)

HISTORICAL AND REVISION NOTES

Derived from title 34, U.S.C., 1946 ed., § 885, and title 14, U.S.C., 1946 ed., § 3a (May 22, 1928, ch. 688, 45 Stat. 712; Oct. 26, 1942, ch. 623, 56 Stat. 987).

Said section 885 was made applicable to the Coast Guard by title 14, U.S.C., 1946 ed., § 3a whenever the Coast Guard is operating with the Navy. Experience has shown the advantage of having such a provision applicable to the Coast Guard at all times.

Said section would in no way be affected. 81st Congress, House Report No. 557.

AMENDMENTS

1984—Pub. L. 98-557 substituted reference to members for reference to officers and men.

[§ 489. Repealed. Aug. 1, 1956, ch. 837, title V, § 502(8)(A), 70 Stat. 886]

Section, act Aug. 4, 1949, ch. 393, 63 Stat. 534, provided for payment of a death gratuity to survivors of officers and enlisted men of Regular Coast Guard. See sections 1475 to 1480 of Title 10, Armed Forces.

[§ 490. Repealed. Pub. L. 88-558, § 7(2), Aug. 31, 1964, 78 Stat. 768]

Section, acts Aug. 4, 1949, ch. 393, § 1, 63 Stat. 534; Aug. 3, 1950, ch. 536, § 26, 64 Stat. 407; Aug. 23, 1958, Pub. L. 85-738, § 1, 72 Stat. 832; Sept. 15, 1965, Pub. L. 89-185, § 2, 79 Stat. 789, provided for settlement of claims of military and civilian personnel. See section 3721 of Title 31, Money and Finance.

EFFECTIVE DATE OF REPEAL

Pub. L. 88-558, § 7, Aug. 31, 1964, 78 Stat. 768, provided that the repeal of this section is effective two years from Aug. 31, 1964.

REPEALS

Pub. L. 89-185, Sept. 15, 1965, 79 Stat. 789, which amended this section, and Pub. L. 88-558, Aug. 31, 1964, 78 Stat. 767, which repealed this section and struck out item 490 in the analysis of sections comprising this chapter, were repealed by Pub. L. 97-258, § 5(b), Sept. 13, 1982, 96 Stat. 1068.

§ 491. Medal of honor

The President may award, and present in the name of Congress, a medal of honor of appropriate design, with ribbons and appurtenances, to a person who, while a member of the Coast Guard, distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty—

- (1) while engaged in an action against an enemy of the United States;
- (2) while engaged in military operations involving conflict with an opposing foreign force;
- (3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(Aug. 4, 1949, ch. 393, 63 Stat. 535; Pub. L. 88-77, § 4, July 25, 1963, 77 Stat. 95.)

HISTORICAL AND REVISION NOTES

This section is new insofar as application to Coast Guard personnel in time of peace is concerned. Such awards can be made to members of the Coast Guard when the Coast Guard is operating with the Navy.

The language is parallel to that found in title 34, U.S.C., 1946 ed., § 354, providing for awards to personnel of the Navy. 81st Congress, House Report No. 557.

AMENDMENTS

1963—Pub. L. 88-77 enlarged the authority to award the medal of honor, which was limited to those cases in which persons, while in the service of the Coast Guard, distinguished themselves in action involving actual conflict with an enemy, or in the line of his profession, and without detriment to the mission of his command or to the command to which attached, to permit its award for distinguished service by members of the Coast Guard while engaged in an action against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party, and substituted the requirement that it be of ap-

propriate design, with ribbons and appurtenances, for the requirement that the design be the same as that of the Navy medal of honor.

§ 491a. Coast Guard cross

The President may award a Coast Guard cross of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Coast Guard, when the Coast Guard is not operating under the Department of the Navy, distinguishes himself or herself by extraordinary heroism not justifying the award of a medal of honor—

- (1) while engaged in an action against an enemy of the United States;
- (2) while engaged in military operations involving conflict with an opposing foreign force or international terrorist organization; or
- (3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(Added Pub. L. 111-281, title II, § 224(a), Oct. 15, 2010, 124 Stat. 2921.)

§ 492. Distinguished service medal

The President may present, but not in the name of Congress, a distinguished service medal of appropriate design, with accompanying ribbon, together with a rosette or other device, to be worn in lieu thereof, to any person who, while serving in any capacity with the Coast Guard, distinguishes himself by exceptionally meritorious service to the Government in a duty of great responsibility.

(Aug. 4, 1949, ch. 393, 63 Stat. 535.)

HISTORICAL AND REVISION NOTES

This section is new insofar as application to Coast Guard personnel in time of peace is concerned. Such awards can be made to members of the Coast Guard when the Coast Guard is operating with the Navy.

The language is parallel to that found in title 34, U.S.C., 1946 ed., § 355, providing for awards to personnel of the Navy. 81st Congress, House Report No. 557.

EX. ORD. NO. 12824. ESTABLISHING THE HOMELAND SECURITY DISTINGUISHED SERVICE MEDAL

Ex. Ord. No. 12824, Dec. 7, 1992, 57 F.R. 58121, as amended by Ex. Ord. No. 13286, § 29, Feb. 28, 2003, 68 F.R. 10625; Ex. Ord. No. 13569, § 1, Apr. 5, 2011, 76 F.R. 19891, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America and as Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

SECTION 1. There is hereby established a Homeland Security Distinguished Service Medal, with accompanying ribbons and appurtenances, for award by the Secretary of Homeland Security to any member of the Armed Forces of the United States who has provided exceptionally meritorious service in a duty of great responsibility while assigned in the Department of Homeland Security, or in other activities under the responsibility of the Secretary of Homeland Security, either national or international, as may be assigned by the Secretary.

SEC. 2. The Homeland Security Distinguished Service Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of Homeland Security and shall be awarded under such regulations as the Secretary shall prescribe. These regulations shall place the Homeland Security Distinguished Serv-

ice Medal in an order of precedence immediately before the Coast Guard Distinguished Service Medal.

SEC. 3. No more than one Homeland Security Distinguished Service Medal shall be awarded to any one person, but for each succeeding exceptionally meritorious period of service justifying such an award, a suitable device may be awarded to be worn with that Medal as prescribed by appropriate regulations of the Department of Homeland Security.

SEC. 4. The Homeland Security Distinguished Service Medal or device may be awarded posthumously and, when so awarded, may be presented to such representative of the deceased as may be deemed appropriate by the Secretary of Homeland Security.

§ 492a. Silver star medal

The President may award a silver star medal of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Coast Guard, when the Coast Guard is not operating under the Department of the Navy, is cited for gallantry in action that does not warrant a medal of honor or Coast Guard cross—

- (1) while engaged in an action against an enemy of the United States;
- (2) while engaged in military operations involving conflict with an opposing foreign force or international terrorist organization; or
- (3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(Added Pub. L. 111-281, title II, § 224(b)(2), Oct. 15, 2010, 124 Stat. 2922.)

PRIOR PROVISIONS

A prior section 492a was renumbered section 492b of this title.

§ 492b. Distinguished flying cross

The President may present, but not in the name of Congress, a distinguished flying cross of appropriate design, with accompanying ribbon, to any person who, while serving in any capacity with the Coast Guard, distinguishes himself by heroism or extraordinary achievement while participating in an aerial flight.

(Added Aug. 10, 1956, ch. 1041, § 12(a), 70A Stat. 624, § 492a; renumbered § 492b, Pub. L. 111-281, title II, § 224(b)(1), Oct. 15, 2010, 124 Stat. 2922.)

AMENDMENTS

2010—Pub. L. 111-281 renumbered section 492a of this title as this section.

§ 493. Coast Guard medal

The President may present, but not in the name of Congress, a medal to be known as the Coast Guard medal, of appropriate design, with accompanying ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who, while serving in any capacity with the Coast Guard, distinguishes himself by heroism not involving actual conflict with an enemy.

(Aug. 4, 1949, ch. 393, 63 Stat. 535.)

HISTORICAL AND REVISION NOTES

This section establishes a new medal to be known as the Coast Guard Medal, which is intended to be a par-

allel award to the Navy and Marine Corps Medal of the Navy, to be awarded under the same circumstances as that medal is awarded to personnel of the Navy (see title 34, U.S.C., 1946 ed., § 356b). 81st Congress, House Report No. 557.

§ 494. Insignia for additional awards

No more than one medal of honor, Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, or one Coast Guard medal shall be issued to any one person; but for each succeeding deed or service sufficient to justify the awarding of a medal of honor, Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, or Coast Guard medal, the President may award a suitable emblem or insignia to be worn with the decoration and a corresponding rosette or other device.

(Aug. 4, 1949, ch. 393, 63 Stat. 535; Aug. 10, 1956, ch. 1041, § 13, 70A Stat. 624; Pub. L. 111-281, title II, § 224(c)(1), Oct. 15, 2010, 124 Stat. 2922.)

HISTORICAL AND REVISION NOTES

This section is supplemental to the preceding sections dealing with the award of medals and regulates the award of additional medals of the same kind. It follows the established practice in all the armed forces (see title 34, U.S.C., 1946 ed., § 358). 81st Congress, House Report No. 557.

AMENDMENTS

2010—Pub. L. 111-281 substituted “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,” for “distinguished service medal, distinguished flying cross,” in two places.

1956—Act Aug. 10, 1956, included the distinguished flying cross.

[§ 495. Repealed. Pub. L. 87-526, § 1(3), July 10, 1962, 76 Stat. 141]

Section, act Aug. 4, 1949, ch. 393, 63 Stat. 535, related to additional pay for holders of medals.

ADDITIONAL REPEAL

Section was additionally repealed by Pub. L. 87-649, § 14d(5), Sept. 7, 1962, 76 Stat. 502, eff. Nov. 1, 1962.

§ 496. Time limit on award; report concerning deed

(a) No medal of honor, Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, Coast Guard medal, or bar, emblem, or insignia in lieu thereof may be awarded to a person unless—

(1) the award is made within five years after the date of the deed or service justifying the award;

(2) a statement setting forth the deed or distinguished service and recommending official recognition of it was made by his superior through official channels within three years from the date of that deed or termination of the service.

(b) If the Secretary determines that—

(1) a statement setting forth the deed or distinguished service and recommending official recognition of it was made by the person's superior through official channels within three years from the date of that deed or termination of the service and was supported by sufficient evidence within that time; and

(2) no award was made, because the statement was lost or through inadvertence the recommendation was not acted upon; a medal of honor, Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, Coast Guard medal, or bar, emblem, or insignia in lieu thereof, as the case may be, may be awarded to the person within two years after the date of that determination.

(Aug. 4, 1949, ch. 393, 63 Stat. 536; Pub. L. 87-526, §1(5), July 10, 1962, 76 Stat. 141; Pub. L. 111-281, title II, §224(c)(2), Oct. 15, 2010, 124 Stat. 2922.)

HISTORICAL AND REVISION NOTES

This section establishes a time limit on the making of awards. It follows the established practice in all the armed forces (see title 10, U.S.C., 1946 ed., §1409 and title 34, U.S.C., 1946 ed., §360). 81st Congress, House Report No. 557.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-281, §224(c)(2)(A), substituted “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,” for “distinguished service medal, distinguished flying cross,” in introductory provisions.

Subsec. (b)(2). Pub. L. 111-281, §224(c)(2)(B), substituted “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,” for “distinguished service medal, distinguished flying cross,”.

1962—Pub. L. 87-526 incorporated existing provisions in subsec. (a), included the distinguished flying cross and bar in lieu of any award in the enumeration of medals, and extended the time limit for recommending award of a medal after performance of the deed justifying the award from one to three years and added subsec. (b).

§ 497. Honorable subsequent service as condition to award

No medal of honor, Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, Coast Guard medal, or emblem, or insignia in lieu thereof shall be awarded or presented to any individual, or to the representative of any individual, whose entire service subsequent to the time he distinguished himself shall not in the opinion of the Commandant have been honorable.

(Aug. 4, 1949, ch. 393, 63 Stat. 536; Aug. 10, 1956, ch. 1041, §13, 70A Stat. 624; Pub. L. 111-281, title II, §224(c)(3), Oct. 15, 2010, 124 Stat. 2922.)

HISTORICAL AND REVISION NOTES

This section makes honorable service subsequent to the act for which award is made, a condition precedent to granting the award. The Navy has the same statutory condition (see title 34, U.S.C., 1946 ed., §362). 81st Congress, House Report No. 557.

AMENDMENTS

2010—Pub. L. 111-281 substituted “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,” for “distinguished service medal, distinguished flying cross,”.

1956—Act Aug. 10, 1956, included the distinguished flying cross.

§ 498. Posthumous awards

In case an individual who distinguishes himself dies before the making of any award to

which he may be entitled, as authorized in this chapter, the award may be made and presented within five years from the date of the act or service justifying the award to such next of kin as may have been designated by the individual, or in the absence of such designation, or if the designated person is not alive at the time of the award, or the relationship between such person and the serviceman shall have been terminated before his death, then to such representative as the President designates. In the event of a posthumous award when the award will be made to the parents of the deceased and the parents have been divorced or separated, a duplicate award may be made to each parent.

(Aug. 4, 1949, ch. 393, 63 Stat. 536.)

HISTORICAL AND REVISION NOTES

This section sets forth the conditions under which posthumous awards can be made. It is substantially the same as conditions for the Navy, but has the added provision for duplicate awards in case the parents are divorced or separated (see title 34, U.S.C., 1946 ed., §363). 81st Congress, House Report No. 557.

§ 499. Delegation of powers to make awards; rules and regulations

The President may delegate to the Secretary, under such conditions, regulations, and limitations as he prescribes, the powers conferred upon him to make the awards designated in this chapter, and the President may make any and all rules, regulations, and orders which he deems necessary in the conferring of such awards.

(Aug. 4, 1949, ch. 393, 63 Stat. 536.)

HISTORICAL AND REVISION NOTES

This section provides for the delegation of powers to make awards to the Secretary. The Navy statute provides for such delegation to force commanders (see title 34, U.S.C., 1946 ed., §364). 81st Congress, House Report No. 557.

§ 500. Life-saving medals

(a) The Secretary may, under regulations prescribed by him, award a Life-saving medal of gold or silver to any person, including personnel of the Coast Guard, who rescues or endeavors to rescue any other person from drowning, shipwreck, or other peril of the water in accordance with the following provisions:

(1) if such rescue or attempted rescue is made at the risk of one's own life and evidences extreme and heroic daring, the medal shall be of gold;

(2) if such rescue or attempted rescue is not sufficiently distinguished to deserve the medal of gold, but evidences the exercise of such signal exertion as to merit recognition, the medal shall be of silver.

(b) In order for a person to be eligible for the Life-saving Medals the rescue or attempted rescue must take place in waters within the United States or subject to the jurisdiction thereof, or if the rescue or attempted rescue takes place outside such waters, one or the other of the parties must be a citizen of the United States or from a vessel or aircraft owned or operated by citizens of the United States.

(c) No person shall receive more than one gold medal and one silver medal; but any person who

has received or may hereafter receive a gold or silver medal and who again performs an act which would entitle him to receive another medal of the same class may be awarded, in lieu of a second medal of the same class, a gold or silver bar, as the case may be, to be worn with the medal already bestowed, and for every such additional act, an additional bar may be awarded. Medals and bars in lieu thereof, authorized by this subsection, may be awarded posthumously.

(Aug. 4, 1949, ch. 393, 63 Stat. 536; Pub. L. 94-546, §1(31), Oct. 18, 1976, 90 Stat. 2521.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§193, 194, 195, 196 (June 20, 1874, ch. 344, §7, 18 Stat. 127; June 18, 1878, ch. 265, §12, 20 Stat. 165; May 4, 1882, ch. 117, §9, 22 Stat. 57; Jan. 21, 1897, ch. 83, 29 Stat. 494).

Said sections have been rewritten so as to make the awarding of Life-saving medals turn on whether or not the United States has an interest in the heroic act, rather than on technical jurisdictional grounds. Under existing law the award of a medal could be made in any case in which the rescuer or the rescued was a citizen of the United States, or was from a vessel owned or operated by the United States regardless of where the rescue took place; and if the rescue took place within waters of the United States the award could be made to an alien.

The existing law relating to the Treasury Department Life-Saving Medal contained in title 14, U.S.C., 1946, ed., §§192-196, has long needed revision. The existing law is composed of a series of statutes enacted separately between 1874 and 1897, and the result has not been entirely unsatisfactory. The original statute, enacted in 1874 (title 14, U.S.C., 1946 ed., §193), provided for Life-saving medals of the first and second class to be bestowed "upon any persons who shall hereafter endanger their own lives in saving, or endeavoring to save lives from the perils of the sea, within the United States, or upon any American vessel". The medal of the first class was confined to cases of "extreme and heroic daring" and the medal of the second class was to be awarded "in cases not sufficiently distinguished to deserve the medal of the first class". Then in 1878 another act was passed (title 14, U.S.C., 1946 ed., §194) authorizing the bestowal of the medal of the second class "upon persons making such signal exertions in rescuing and succoring the shipwrecked, and saving persons from drowning" as, in the opinion of the Secretary of the Treasury, merited recognition. These two sections were construed by the Attorney General to be limited to the rescue of persons who were subjected to the perils of the sea in any waters of the United States in the vicinity of any lifeboat station, life-saving station, or house of refuge. And the person upon whom the medal could be bestowed was limited to members of life-saving crews. (1895) Op. Att. Gen. 124. Thereupon, in 1897, an act was passed which provided that the two earlier acts should "be construed so as to empower the Secretary of the Treasury to bestow such medals upon persons making signal exertions in rescuing and succoring the shipwrecked and saving persons from drowning in waters over which the United States has jurisdiction, whether the said persons making such exertions were or were not members of the Life-Saving Service or whether or not such exertions were made in the vicinity of a life-saving station". (Title 14, U.S.C., 1946 ed., §196.) This act was designed to give a more liberal application to the two earlier acts, and all three were to be read as one. (1900) 23 Op. Atty. Gen. 78. However, difficult questions of interpretation have arisen because of the different jurisdictional language in the three acts. For example, title 14, U.S.C., 1946 ed., §193, refers to rescues "within the United States", while title 14, U.S.C., 1946 ed., §196, refers to rescues "in the waters over which

the United States has jurisdiction". The need for clarification is obvious. Subsection (a) authorizes the awarding of the medal to any person, including Coast Guard personnel, who rescues or endeavors to rescue any person from drowning, shipwreck, or peril of the water. If the rescue or attempted rescue is at the risk of one's own life and evidences extreme and heroic daring, the medal shall be of gold, and if the rescue or attempted rescue is not sufficiently distinguished to deserve the gold medal, but evidences the exertion of such signal exertion as to merit recognition, the medal shall be of silver. Thus, the acts for which the medals are to be awarded are defined simply and without any geographical or jurisdictional limitations. The difficulty with the existing law is the attempt to define the required deed together with those limitations. Subsection (a) does not change existing law insofar as the type of act necessary for the medals is concerned; it merely simplifies and clarifies existing law.

Subsection (b) contains the jurisdictional limitations on the awarding of the medal and broadens, to a considerable extent, the provisions of existing law. It is the intent of this subsection to authorize the awarding of a medal in all cases where the United States has a legitimate interest in recognizing meritorious acts, such as where a United States citizen performs the act, or where a United States citizen is rescued, or where United States waters or United States vessels or aircraft are involved. Accordingly, rescues by United States citizens anywhere in the world will be recognized. Any person, including persons not citizens of the United States, may receive medals if the rescue or attempted rescue takes place in waters within the United States or subject to its jurisdiction or, in cases of rescues outside such waters, if either the rescuer or the person rescued is from a United States vessel or aircraft, or the person rescued is a United States citizen. Thus, every case in which the United States government has an interest is provided for. A United States citizen who performs a heroic act sufficient to justify a medal in state waters, or in foreign waters, could not receive one under existing law, but could receive such award under this proposed revision. The awarding of medals should not turn on technical jurisdictional grounds; it should turn rather on the interest of the United States to recognize noble and heroic acts.

Subsection (c) dealing with the awarding of bars for additional acts, clarifies, but does not change title 14, U.S.C., 1946 ed., §195, except that authority is granted to award medals posthumously. 81st Congress, House Report No. 557.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-546 substituted "Secretary" for "Secretary of the Treasury".

§ 501. Replacement of medals

In those cases where a medal, or a bar, emblem, or insignia in lieu thereof, awarded pursuant to this chapter has been stolen, lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded, such medal, or bar, emblem, or insignia in lieu thereof, shall be replaced without charge, or, in the discretion of the Secretary, upon condition that the Government is reimbursed for the cost thereof.

(Aug. 4, 1949, ch. 393, 63 Stat. 537; Pub. L. 107-107, div. A, title V, §553(d)(2), Dec. 28, 2001, 115 Stat. 1117.)

HISTORICAL AND REVISION NOTES

This section provides for the replacement of medals. It follows the established practice of the other armed forces, but makes an additional provision that the Secretary in his discretion may charge for the replacement medals in some circumstances. (See title 10, U.S.C., 1946

ed., §1416 and title 34, U.S.C., 1946 ed., §359.) 81st Congress, House Report No. 557.

AMENDMENTS

2001—Pub. L. 107–107 inserted “stolen,” before “lost.”.

§ 502. Award of other medals

Coast Guard personnel, notwithstanding the provisions of this chapter, may be awarded medals, bars, emblems, or insignia to which such personnel may be entitled under other provisions of law.

(Aug. 4, 1949, ch. 393, 63 Stat. 537.)

HISTORICAL AND REVISION NOTES

This section insures that the preceding sections are not intended to prevent Coast Guard military personnel from receiving other medals, the legion of merit, for example. 81st Congress, House Report No. 557.

MERITORIOUS SERVICE MEDAL

Medal established as an award for outstanding meritorious achievement or service to the United States, see Ex. Ord. No. 11448, Jan. 16, 1969, 34 F.R. 915, as amended, set out as a note preceding section 1121 of Title 10, Armed Forces.

§ 503. Awards and insignia for excellence in service or conduct

The Coast Guard may award trophies, badges, and cash prizes to Coast Guard personnel or groups thereof, including personnel of the reserve components thereof whether or not on active duty, for excellence in accomplishments related to Coast Guard service, to incur such expenses as may be necessary to enter such personnel in competitions, and to provide badges or buttons in recognition of special service, good conduct, and discharge under conditions other than dishonorable.

(Aug. 4, 1949, ch. 393, 63 Stat. 537.)

HISTORICAL AND REVISION NOTES

Based on the following language contained in the Coast Guard appropriation act for 1949, “Pay and Allowances” and preceding years: “not exceeding \$10,000 for cash prizes for men for excellence in boatmanship, gunnery, target practice, and engineering competitions” (June 19, 1948, ch. 558, 62 Stat. 561).

This section expands the language contained in the appropriation act to include the awarding of trophies and badges, and to include in the accomplishments for which such awards may be made, excellence in any field related to Coast Guard duty. 81st Congress, House Report No. 557.

§ 504. Medal of honor: duplicate medal

A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary may determine, as a duplicate or for display purposes only.

(Added Pub. L. 107–107, div. A, title V, §553(d)(1)(A), Dec. 28, 2001, 115 Stat. 1116.)

PRIOR PROVISIONS

A prior section 504, act Aug. 4, 1949, ch. 393, 63 Stat. 537, related to disposition of the remains of deceased Coast Guard personnel, prior to repeal by act July 15, 1954, ch. 507, §14(c)(5), 68 Stat. 481. For provisions relat-

ing to recovery, care, and disposition of the remains of deceased personnel of the uniformed services and deceased civilian personnel, see section 1481 of Title 10, Armed Forces.

§ 505. Medal of honor: presentation of Medal of Honor Flag

The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 491 of this title. Presentation of the flag shall be made at the same time as the presentation of the medal under section 491 or 498 of this title. In the case of a posthumous presentation of the medal, the flag shall be presented to the person to whom the medal is presented.

(Added Pub. L. 107–248, title VIII, §8143(c)(4)(A), Oct. 23, 2002, 116 Stat. 1571; amended Pub. L. 107–314, div. A, title X, §1062(b)(1), Dec. 2, 2002, 116 Stat. 2650; Pub. L. 109–364, div. A, title V, §555(a), Oct. 17, 2006, 120 Stat. 2217.)

PRIOR PROVISIONS

A prior section 505, act Aug. 4, 1949, ch. 393, 63 Stat. 537, related to escorts to the place of burial for the bodies of deceased Coast Guard personnel, prior to repeal by act July 15, 1954, ch. 507, §14(c)(5), 68 Stat. 481. For provisions relating to recovery, care, and disposition of the remains of deceased personnel of the uniformed services and deceased civilian personnel, see section 1481 of Title 10, Armed Forces.

AMENDMENTS

2006—Pub. L. 109–364 struck out “after October 23, 2002” after “section 491 of this title” and inserted at end “In the case of a posthumous presentation of the medal, the flag shall be presented to the person to whom the medal is presented.”

2002—Pub. L. 107–314 substituted “October 23, 2002” for “the date of the enactment of this section”.

PRESENTATION OF FLAG FOR PRIOR RECIPIENTS OF MEDAL OF HONOR

President to provide for the presentation of the Medal of Honor Flag to living recipients of the Medal of Honor as expeditiously as possible after Oct. 17, 2006, and for posthumous presentation to survivors of deceased recipients of the Medal of Honor upon written application therefor, see section 555(b) of Pub. L. 109–364, set out as a note under section 3755 of Title 10, Armed Forces.

[§ 506. Repealed. July 15, 1954, ch. 507, § 14(c)(5), 68 Stat. 481]

Section, act Aug. 4, 1949, ch. 393, 63 Stat. 537, related to the issue of the national flag to be used for draping the coffin of any deceased member of the Coast Guard. For provisions relating to recovery, care, and disposition of the remains of deceased personnel of the uniformed services and deceased civilian personnel, see section 1481 of Title 10, Armed Forces.

§ 507. Disposition of effects of decedents

All moneys, articles of value, papers, keepsakes, and other similar effects belonging to the deceased persons in the Coast Guard, not claimed by their legal heirs or next of kin, shall be deposited in safe custody, and if any such moneys, articles of value, papers, keepsakes, or other similar effects so deposited have been, or shall hereafter be, unclaimed for a period of two years from the date of the death of such person,

such articles and effects shall be sold and the proceeds thereof, together with the moneys above mentioned, shall be deposited in the Treasury as miscellaneous receipts. The Secretary shall make diligent inquiry in every instance after the death of such person to ascertain the whereabouts of his heirs or next of kin, and prescribe necessary regulations to carry out the foregoing provisions. Claims may be presented hereunder at any time within five years after such moneys or proceeds have been so deposited in the Treasury, and, when supported by competent proof in any case after such deposit in the Treasury, shall be certified to Congress for consideration.

(Aug. 4, 1949, ch. 393, 63 Stat. 538.)

HISTORICAL AND REVISION NOTES

Derived from title 34, U.S.C., 1946 ed., §942 (Mar. 29, 1918, ch. 31, 40 Stat. 499).

Said section provided for the disposition of effects of deceased naval personnel. It is believed similar provisions should be made for Coast Guard personnel.

Said section would in no way be affected. 81st Congress, House Report No. 557.

§ 508. Deserters; payment of expenses incident to apprehension and delivery; penalties

(a) The Coast Guard may, pursuant to regulations prescribed by the Secretary, make such expenditures as are deemed necessary for the apprehension and delivery of deserters, stragglers, and prisoners.

(b) No person who is convicted by court martial for desertion from the Coast Guard in time of war, and as the result of such conviction is dismissed or dishonorably discharged from the Coast Guard shall afterwards be enlisted, appointed, or commissioned in any military or naval service under the United States, unless the disability resulting from desertion, as established by this section is removed by a board of commissioned officers of the Coast Guard convened for consideration of the case, and the action of the Board is approved by the Secretary; or unless he is restored to duty in time of war.

(Added May 5, 1950, ch. 169, §16(a), 64 Stat. 148; amended July 10, 1952, ch. 631, §2, 66 Stat. 540.)

AMENDMENTS

1952—Subsec. (a). Act July 10, 1952, authorized reimbursement of necessary expenses to persons other than civil officers, and added stragglers and prisoners to class of offenders.

EFFECTIVE DATE

Section effective May 31, 1951, see act May 5, 1950, ch. 169, §5, 64 Stat. 145.

§ 509. Persons discharged as result of court-martial; allowances to

The Secretary may furnish persons discharged pursuant to the sentence of a Coast Guard court-martial suitable civilian clothing and a monetary allowance not to exceed \$25 if the person discharged would not otherwise have suitable clothing or funds to meet immediate needs.

(Added May 5, 1950, ch. 169, §16(a), 64 Stat. 148; amended Pub. L. 90-377, §8, July 5, 1968, 82 Stat. 288.)

AMENDMENTS

1968—Pub. L. 90-377 substituted “Persons discharged as result of court-martial; allowances to” for “Prisoners; allowances to; transportation” in section catchline, and struck out provision that persons confined in prisons in pursuance of the sentence of a Coast Guard court shall during such confinement, be allowed a reasonable sum, not to exceed \$3 per month, for necessary prison expenses and the provision that the Commandant of the Coast Guard may transport to their homes or places of enlistment, as he may designate, all discharged prisoners, the expense of such transportation to be paid out of any money to the credit of prisoners when discharged.

EFFECTIVE DATE

Section effective May 31, 1951, see act May 5, 1950, ch. 169, §5, 64 Stat. 145.

§ 510. Shore patrol duty; payment of expenses

An officer or cadet of the Coast Guard who is assigned shore patrol duty away from his vessel or other duty station may be paid his actual expenses.

(Added Aug. 10, 1956, ch. 1041, §14(a), 70A Stat. 624.)

§ 511. Compensatory absence from duty for military personnel at isolated duty stations

The Secretary may grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.

(Added Aug. 9, 1955, ch. 650, §4, 69 Stat. 577; amended Pub. L. 94-546, §1(32), Oct. 18, 1976, 90 Stat. 2521; Pub. L. 107-295, title III, §312(a), Nov. 25, 2002, 116 Stat. 2102.)

AMENDMENTS

2002—Pub. L. 107-295 substituted “Compensatory absence from duty for military personnel at isolated duty stations” for “Compensatory absence of military personnel at isolated aids to navigation” in section catchline and amended text generally. Prior to amendment, text read as follows: “The Secretary, under regulations prescribed by him, may grant compensatory absence from duty to military personnel of the Coast Guard serving in lightships and at lighthouses and other isolated aids to navigation of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.”

1976—Pub. L. 94-546 substituted “Secretary” for “head of the department in which the Coast Guard is operating”.

§ 512. Monetary allowance for transportation of household effects

The transportation and reimbursement authorized by subsection (b) of section 476 of title 37 shall be available hereafter to pay a monetary allowance in place of such transportation to a member who, under regulations prescribed by the Secretary, participates in a program designated by the Secretary in which his baggage and household effects are moved by a privately owned or rental vehicle. This allowance shall not be limited to reimbursement for actual expenses and may be paid in advance of the transportation of the baggage and household effects. The allowance shall, however, be in an amount

that will result in savings to the Government when the total cost of the movement of baggage and household effects is compared with the cost that otherwise would have been incurred under subsection (b) of section 476 of title 37.

(Added Pub. L. 96-376, §7(a), Oct. 3, 1980, 94 Stat. 1510; amended Pub. L. 97-295, §2(16), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 112-81, div. A, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948.)

AMENDMENTS

2013—Pub. L. 112-239, §1076(a)(9), made technical amendment to directory language of Pub. L. 112-81, §631(f)(4)(B). See 2011 Amendment note below.

2011—Pub. L. 112-81, §631(f)(4)(B), as amended by Pub. L. 112-239, §1076(a)(9), substituted “476” for “406” in two places.

1982—Pub. L. 97-295 struck out “, United States Code,” after “title 37” first time appearing, and “, United States Code” after “title 37” second time appearing.

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(9) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

§ 513. Retroactive payment of pay and allowances delayed by administrative error or oversight

Under regulations prescribed by the Secretary, the Coast Guard may authorize retroactive payment of pay and allowances, including selective reenlistment bonuses, to enlisted members if entitlement to the pay and allowances was delayed in vesting solely because of an administrative error or oversight.

(Added Pub. L. 100-448, §13(a), Sept. 28, 1988, 102 Stat. 1844.)

§ 514. Reimbursement for adoption expenses

(a) **AUTHORIZATION TO REIMBURSE.**—The Secretary shall carry out a program under which a member of the Coast Guard may be reimbursed, as provided in this section, for qualifying adoption expenses incurred by the member in the adoption of a child under 18 years of age.

(b) **ADOPTIONS COVERED.**—An adoption for which expenses may be reimbursed under this section includes an adoption by a single person, an infant adoption, an intercountry adoption, and an adoption of a child with special needs (as defined in section 473(c) of the Social Security Act (42 U.S.C. 673(c))).

(c) **BENEFITS PAID AFTER ADOPTION IS FINAL.**—Benefits paid under this section in the case of an adoption may be paid only after the adoption is final.

(d) **TREATMENT OF OTHER BENEFITS.**—A benefit may not be paid under this section for any expense paid to or for a member of the Coast Guard under any other adoption benefits program administered by the Federal Government or under any such program administered by a State or local government.

(e) **LIMITATIONS.**—(1) Not more than \$2,000 may be paid under this section to a member of the Coast Guard, or to two such members who are spouses of each other, for expenses incurred in the adoption of a child.

(2) Not more than \$5,000 may be paid under this section to a member of the Coast Guard, or to two such members who are spouses of each other, for adoptions by such member (or members) in any calendar year.

(f) **REGULATIONS.**—The Secretary shall prescribe regulations to carry out this section.

(g) **DEFINITIONS.**—In this section:

(1) The term “qualifying adoption expenses” means reasonable and necessary expenses that are directly related to the legal adoption of a child under 18 years of age, but only if such adoption is arranged by a qualified adoption agency. Such term does not include any expense incurred—

(A) by an adopting parent for travel; or

(B) in connection with an adoption arranged in violation of Federal, State, or local law.

(2) The term “reasonable and necessary expenses” includes—

(A) public and private agency fees, including adoption fees charged by an agency in a foreign country;

(B) placement fees, including fees charged adoptive parents for counseling;

(C) legal fees (including court costs) in connection with services that are unavailable to a member of the Coast Guard under section 1044 or 1044a of title 10; and

(D) medical expenses, including hospital expenses of the biological mother of the child to be adopted and of a newborn infant to be adopted.

(3) The term “qualified adoption agency” means any of the following:

(A) A State or local government agency which has responsibility under State or local law for child placement through adoption.

(B) A nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption.

(C) Any other source authorized by a State to provide adoption placement if the adoption is supervised by a court under State or local law.

(Added Pub. L. 102-190, div. A, title VI, §651(b)(1), Dec. 5, 1991, 105 Stat. 1386; amended Pub. L. 102-484, div. A, title X, §1054(g), Oct. 23, 1992, 106 Stat. 2503; Pub. L. 104-201, div. A, title VI, §652(b), Sept. 23, 1996, 110 Stat. 2582.)

AMENDMENTS

1996—Subsec. (g)(1). Pub. L. 104-201, §652(b)(1), substituted “qualified adoption agency.” for “State or local government agency which has responsibility under State or local law for child placement through adoption or by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption.”

Subsec. (g)(3). Pub. L. 104-201, §652(b)(2), added par. (3).

1992—Subsec. (b). Pub. L. 102-484 inserted a close parenthesis before period at end.

EFFECTIVE DATE

Section effective Dec. 5, 1991, and applicable to adoptions completed on or after that date, see section 651(c) of Pub. L. 102-190, set out as a note under section 1052 of Title 10, Armed Forces.

REIMBURSEMENT FOR ADOPTIONS COMPLETED DURING
INTERIM BETWEEN TEST AND PERMANENT PROGRAM

For provisions relating to reimbursement for adoption expenses and time period for application, see section 652 of Pub. L. 102-484, set out as a note under section 1052 of Title 10, Armed Forces.

§ 515. Child development services

(a) The Commandant may make child development services available for members and civilian employees of the Coast Guard, and thereafter as space is available for members of the Armed Forces and Federal civilian employees. Child development service benefits provided under the authority of this section shall be in addition to benefits provided under other laws.

(b)(1) The Commandant is authorized to use appropriated funds available to the Coast Guard to provide child development services.

(2)(A) The Commandant is authorized to establish, by regulations, fees to be charged parents for the attendance of children at Coast Guard child development centers.

(B) Fees to be charged, pursuant to subparagraph (A), shall be based on family income, except that the Commandant may, on a case-by-case basis, establish fees at lower rates if such rates would not be competitive with rates at local child development centers.

(C) The Commandant is authorized to collect and expend fees, established pursuant to this subparagraph, and such fees shall, without further appropriation, remain available until expended for the purpose of providing services, including the compensation of employees and the purchase of consumable and disposable items, at Coast Guard child development centers.

(3) The Commandant is authorized to use appropriated funds available to the Coast Guard to provide assistance to family home daycare providers so that family home daycare services can be provided to uniformed service members and civilian employees of the Coast Guard at a cost comparable to the cost of services provided by Coast Guard child development centers.

(c) The Commandant shall provide for regular and unannounced inspections of each child development center under this section and may use Department of Defense or other training programs to ensure that all child development center employees under this section meet minimum standards of training with respect to early childhood development, activities and disciplinary techniques appropriate to children of different ages, child abuse prevention and detection, and appropriate emergency medical procedures.

(d) The Secretary shall promulgate regulations to implement this section. The regulations shall establish fees to be charged for child development services provided under this section which take into consideration total family income.

(e) For purposes of this section, the term “child development center” does not include a child care services facility for which space is allotted under section 616 of the Act of December 22, 1987 (40 U.S.C. 490b).

(Added Pub. L. 104-324, title II, §201(a), Oct. 19, 1996, 110 Stat. 3906; amended Pub. L. 111-281, title II, § 222, Oct. 15, 2010, 124 Stat. 2920.)

REFERENCES IN TEXT

Section 616 of the Act of December 22, 1987 (40 U.S.C. 490b), referred to in subsec. (e), is section 101(m) [title VI, §616] of Pub. L. 100-202, Dec. 22, 1987, 101 Stat. 1329-390, 1329-423, which was classified to section 490b of former Title 40, Public Buildings, Property, and Works, and was repealed and reenacted as section 590(a)-(d) and (f) of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304.

AMENDMENTS

2010—Subsec. (b). Pub. L. 111-281, §222(1), added subsec. (b) and struck out former subsec. (b) which related to use of fees paid for services at Coast Guard child development centers.

Subsecs. (d) to (g). Pub. L. 111-281, §222(2), (3), redesignated subsecs. (f) and (g) as (d) and (e), respectively, and struck out former subsecs. (d) and (e) which read as follows:

“(d) Of the amounts available to the Coast Guard each fiscal year for operating expenses (and in addition to amounts received as fees), the Secretary may use for child development services under this section an amount not to exceed the total amount the Commandant estimates will be received by the Coast Guard in the fiscal year as fees for the provision of those services.

“(e) The Commandant may use appropriated funds available to the Coast Guard to provide assistance to family home day care providers so that family home day care services can be provided to uniformed service members and civilian employees of the Coast Guard at a cost comparable to the cost of services provided by Coast Guard child development centers.”

USE OF COAST GUARD AND MILITARY CHILD
DEVELOPMENT CENTERS

Pub. L. 108-293, title II, §225, Aug. 9, 2004, 118 Stat. 1040, provided that: “The Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, when operating other than as a service in the Navy, may agree to provide child care services to members of the armed forces, with reimbursement, in Coast Guard and military child development centers supported in whole or in part with appropriated funds. For purposes of military child development centers operated under the authority of subchapter II of chapter 88 of title 10, United States Code, the child of a member of the Coast Guard shall be considered the same as the child of a member of any of the other armed forces.”

§ 516. Presentation of United States flag upon retirement

(a) PRESENTATION OF FLAG.—Upon the release of a member of the Coast Guard from active duty for retirement, the Secretary shall present a United States flag to the member.

(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.

(Added Pub. L. 105-261, div. A, title VI, §644(d)(1), Oct. 17, 1998, 112 Stat. 2049; amended Pub. L. 106-65, div. A, title VI, §652(e), Oct. 5, 1999, 113 Stat. 666; Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107-314, div. A, title X, §1062(b)(2), Dec. 2, 2002, 116 Stat. 2650;

Pub. L. 112-213, title II, §217(6), Dec. 20, 2012, 126 Stat. 1557.)

(Added Pub. L. 111-281, title II, §203(a), Oct. 15, 2010, 124 Stat. 2909.)

AMENDMENTS

2012—Subsec. (a). Pub. L. 112-213 struck out “of Homeland Security” after “Secretary”.

2002—Subsec. (a). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

Subsec. (c). Pub. L. 107-314 substituted “this section” for “his section”.

1999—Subsec. (b). Pub. L. 106-65 substituted “under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.” for “under this section or section 3681, 6141, and 8681 of title 10.”

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE

Section applicable with respect to releases from active duty described in this section and sections 3681, 6141, and 8641 of Title 10, Armed Forces, on or after Oct. 1, 1998, see section 644(e) of Pub. L. 105-261, set out as a note under section 3681 of Title 10.

§ 517. Travel card management

(a) IN GENERAL.—The Secretary may require that travel or transportation allowances due a civilian employee or military member of the Coast Guard be disbursed directly to the issuer of a Federal contractor-issued travel charge card, but only in an amount not to exceed the authorized travel expenses charged by that Coast Guard member to that travel charge card issued to that employee or member.

(b) WITHHOLDING OF NONDISPUTED OBLIGATIONS.—The Secretary may also establish requirements similar to those established by the Secretary of Defense pursuant to section 2784a of title 10 for deduction or withholding of pay or retired pay from a Coast Guard employee, member, or retired member who is delinquent in payment under the terms of the contract under which the card was issued and does not dispute the amount of the delinquency.

(Added Pub. L. 108-293, title II, §210(a), Aug. 9, 2004, 118 Stat. 1036.)

§ 518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States

In any case in which a covered beneficiary (as defined in section 1072(5) of title 10) resides on an island that is located in the 48 contiguous States and the District of Columbia and that lacks public access roads to the mainland and is referred by a primary care physician to a specialty care provider (as defined in section 1074i(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompanied by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age.

CHAPTER 15—ACQUISITIONS

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PRIOR PROVISIONS

A prior chapter 15 of this title, consisting of sections 561 to 576 and relating to Coast Guard discipline, was repealed by act May 5, 1950, ch. 169, §14(v), 64 Stat. 148.

AMENDMENTS

2012—Pub. L. 112-213, title II, §§210(b), 211(b), Dec. 20, 2012, 126 Stat. 1551, 1552, added items 569a and 577.

SUBCHAPTER I—GENERAL PROVISIONS

§ 561. Acquisition directorate

(a) ESTABLISHMENT.—The Commandant of the Coast Guard shall establish an acquisition directorate to provide guidance and oversight for the implementation and management of all Coast Guard acquisition processes, programs, and projects.

(b) MISSION.—The mission of the acquisition directorate is—

(1) to acquire and deliver assets and systems that increase operational readiness, enhance mission performance, and create a safe working environment; and

(2) to assist in the development of a workforce that is trained and qualified to further the Coast Guard's missions and deliver the best-value products and services to the Nation.

(Added Pub. L. 111-281, title IV, §402(a), Oct. 15, 2010, 124 Stat. 2931.)

PRIOR PROVISIONS

A prior section 561, act Aug. 4, 1949, ch. 393, 63 Stat. 538, related to limitations on punishment by commanding officer, prior to repeal by act May 5, 1950, ch. 169, §§5, 14(v), 64 Stat. 145, 148, effective May 31, 1951.

¹ So in original. “Sec.” probably should not appear.